

# ReedSmith

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August 25, 2005

John H. Riordan, Jr., Esquire  
 Polito & Smock, PC  
 Four Gateway Center, Suite 400  
 Pittsburgh, PA 15222-1237

Re: Burchick Construction Company, Inc. v. HBE Corporation, U. S. District Court for the Western District of Pennsylvania, Docket No. 05-cv-12E

Dear John:

I realize that you are out of the office on vacation and not returning until September 6, 2005. However, I wanted to address in writing some of the topics we discussed on Tuesday. Specifically, we discussed both the Request for Production of Documents I had served upon you and your response received Thursday, August 18, 2005, as well as the Rule 30(b)(6) Notice of Deposition to HBE Corporation that apparently was received at your office on Monday, August 22, 2005.

You indicated that you had not received the documents from your client and would not be able to forward any documents to me before your return to Pittsburgh on September 6. In addition, I understand that you are currently scheduled to begin a separate trial on or around September 14, 2005, which is the day I had selected for the 30(b)(6) deposition.

Discovery in our case ends on Monday, September 19, 2005, and you suggested that depositions could proceed after that date. As an accommodation to you, I will agree to take the 30(b)(6) deposition during the week of September 19 provided that it occurs no later than Friday, September 23 and provided that documents responsive to my First Request for Production be produced during the week of Labor Day and thus no later than Friday, September 9, 2005. I note that that gives HBE about 45 days to produce the documents.

I look forward to hearing from you upon your return to Pittsburgh.

Very truly yours,

Kurt F. Fernsler

KFF:jm

cc: David Meuschke

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